

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CLERK
~~SO. DIST. OF GA.~~

UNITED STATES OF AMERICA)

v.)

JOEL T. MORRIS,)

Defendant.)

CASE NO. CR415-203

O R D E R

Before the Court is Defendant Joel T. Morris's Motion for Release Pending Appeal. (Doc. 122.) In the motion, Defendant requests that he be released on bond during the pendency of the appeal challenging his sentence in this case. (Id. at 6.) After careful consideration, Defendant's motion is **DENIED**.

Release pending appeal is governed by 18 U.S.C. § 3143(b). This statute provides that a person

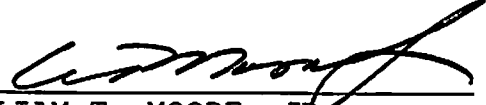
who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds . . . by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released . . . and that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in . . . a sentence that does not include a term of imprisonment, or [] a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

Id. That is, a defendant can be released pending appeal only if (1) the defendant is not a flight risk; (2) the appeal raises a substantial question of law; (3) the defendant is not appealing for purposes of delay; and (4) the appeal is likely to result in the defendant receiving a sentence less than the total amount of time he would be incarcerated while the appeal is pending. Id. The threshold for finding a question substantial is greater than simply determining that the issue is not frivolous. United States v. Fernandez, 905 F.2d 350, 354 (11th Cir. 1990) (quoting United States v. Giancola, 754 F.2d 898, 901 (11th Cir. 1985)). For a question to be substantial, rather, its ultimate resolution must involve a close call that could easily be decided either way. Id.

After a thorough review of Defendant's motion and the record in this case, the Court is unable to conclude that Defendant has presented any issue on appeal that is likely to result in a term of imprisonment that is less than the time he would have served during the pendency of his appeal. In his motion, Defendant raises the same arguments he presented at sentencing regarding Chatham Area Transit's status as a government entity and his classification as a public official. The Court has again reviewed Defendant's arguments and the record in this case, but is unable to

identify any substantial issues that would warrant Defendant's release pending appeal. Accordingly, Defendant's request is **DENIED**.

SO ORDERED this 22nd day of July 2016.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA